

## Mylai Investigation To Remain Secret

A federal judge has rejected an effort by Rep. Les Aspin (D-Wis.), to make public a Pentagon investigation of the Mylai massacre of Vietnamese civilians.

U.S. District Court Judge John H. Pratt ruled Tuesday that the so-called "Peers Commission Report," the Pentagon's own investigation into charges that the Army tried to cover up the Mylai incident, need not be made public.

Aspin had filed suit last April 3 seeking public disclosure of the report under the Freedom of Information Act.

But Pratt ruled that the report was protected from disclosure by the act's exemption of "investigatory files" and "internal working papers."

Officially entitled "Department of the Army Review of the Preliminary Investigation into the Mylai Incident," the report was prepared by a commission headed by Lt. Gen. William R. Peers.

Pratt said the test for exempting "investigatory files" was "whether the files sought to relate to anything that can

fairly be characterized as an enforcement proceeding."

Pratt said the Peers report "was in fact the basis for the bringing of charges under the (military) code against both officers and enlisted men.

"... Furthermore, at least one of these proceedings, that involving Lt. (William) Calley, is still on appeal." Pratt said another exemption in the Freedom of Information Act covers "internal working papers in which opinions are expressed and policies formulated and recommended," an exemption designed "to protect findings and recommendations prepared by a subordinate in order to inform and advise a superior."